

REMARKS

This Amendment is in reply to the non-Final Office Action mailed on May 20, 2004. Claims 1-4, 7-10, 12, 18, 20, 22 and 25 have been amended. Claims 1-26 remain pending in this application. No new matter has been added. Entry and reconsideration of the amendments and following remarks is respectfully requested.

Claims Rejections - 35 U.S.C. §112, first and second paragraphs

Claims 1-26 were rejected under 35 USC § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner states that the claims contain subject matter that was not described in the specification and that there is no support in the specification including the figures for multi-dimensional movement of the weight. Also, the Examiner rejected claims 1-26 under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out the claimed invention. Specifically, the Examiner states that claims 1 and 9 are vague and indefinite since it is unclear if the weight can/could be moved multi-dimensional.

The Applicants have amended the claims, particularly independent claims 1 and 9 to distinctly claim the subject matter which the Applicants regard as the invention. Support for the features of amended claims 1 and 9 is disclosed beginning on page 8 of the specification. Also, support for the features are shown in figures 4-8. No new matter has been added.

Accordingly, withdrawal of the rejections under 35 USC § 112, first and second paragraphs, is respectfully requested.

Claims Rejections - 35 U.S.C. §102(b)/35 U.S.C. §103(a)

Claims 1-26 were rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Arnhold et al. ("Arnhold"). The Applicants respectfully traverse these rejections.

In Applicant's invention, the natural frequency of the dynamic damper is tuned to the tuning frequency. The tuning of the dynamic damper is effected by changing the spring constant of the spring and/or the mass of the additional weight of the dynamic damper. These features are specifically recited in the amended claims.

The features of amended claims 1 and 9 are neither known or suggested by Arnhold. The Arnhold mass is not suspended from a vibrating system, but is directly supported by the vibrating system and is movable on the vibrating system, for example by means of guides (see Figs. 1 and 7; col. 2, lines 5-6; col. 6, lines 29-32). Arnhold neither discloses that the natural frequency of the dynamic damper is tuned, the mass of the additional weight 3 is changed, nor that the spring constant of the spring 8 is changed. Accordingly, by compressing the spring 8 of the embodiment according to Fig. 7, and by allowing the spring 8 to expand, the spring constant of the spring 8 is not changed.

Also, please note that the amended claims 1-26 form the basis of an allowed European Patent Application No. 98 917 153.3, now European Patent No. 1 015 695, which was granted over the prior art reference of Arnhold.

In view of the above, it is submitted that the Arnhold references fails to anticipate and/or render the claimed invention obvious. Withdrawal of the Examiner's rejections under §§ 102(b) and 103(a) is, therefore, respectfully requested.

Conclusion

In view of the above amendments and remarks it is submitted that the Examiner's objections and rejections have been overcome and should be removed and the present application should now be in condition for allowance.


The Applicants note that there is no further indication that the drawings are acceptable. The Applicants respectfully request that the Examiner provide indication that the drawings are accepted by the Examiner in the next formal communication.

Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same.

It is believed that the present amendment is being timely submitted. However, if it is determined that any fee is required for the entry of this amendment, the Commissioner is hereby authorized to charge said fee to Deposit Account No. 50-0518 in the name of Steinberg & Raskin, P.C.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,
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